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SEP 08 2003

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REMARKS/ARGUMENTS

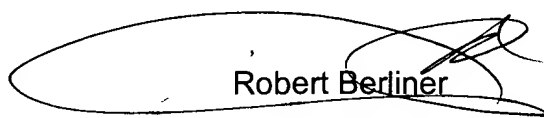
In the Advisory Action, the Examiner stated that he relied on the "second" (sic - meaning "secondary") Beregovski et al. reference, which he contended teaches one to place the phase control section in the laser sensor for detection and therefore provide Lading et al. with a phase control equipped laser section. It appears that the Examiner has still failed to have understood what applicants meant by a "sample chamber separate from said phase control section" as called for in the previously amended claims. Applicants believed it was clear from their last remarks that the quoted phrase indicated that there was a physical separation between the sample chamber and the phase control section, not just that they were separate elements.

To make the matter clearer, applicants have now amended the claims to call for the sample chamber to be "separate and physically spaced from" the phase control section. It should now be evident that the secondary Beregovski et al. reference does indeed teach away from the invention in that they describe the phase section, or the phase section and grating, of the sensing layer as covered with a layer sensitive to the chemical in question (page 117, paragraph 2.1 with regard to Figure 1 of Beregovski et al.). Therefore the sample chamber cannot be separate and physically spaced from the phase control section as required by all the claims, nor can such be suggested since Beregovski et al. teach directly away from such a structure.

Applicant submits that the claims are in condition for allowance and respectfully solicits a Notice of Allowance.

The Commissioner is hereby authorized to charge payment of any fees required associated with this communication or credit any overpayment to Deposit Account No. 50-0337. If an extension of time is required please consider this a petition therefor and charge any additional fees which may be required to Deposit account No. 50-0337. A duplicate copy of this paper is enclosed.

Respectfully submitted,


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